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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,060	10/11/2001	Axel Gohrt	01435.0125	7633

7590

05/21/2003

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EXAMINER

WACHTEL, ALEXIS A

ART UNIT

PAPER NUMBER

1764

8

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/974,060

Applicant(s)

GOHRT ET AL.

Examiner

Alexis Wachtel

Art Unit

1764

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 February 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

***Detailed Action***

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 19701045 A1 (Gorak et al) as considered with US 5,431,890 to Crossland et al.

Applicant's structured multi-purpose packings is disclosed by Gorak et al.

In regards to Applicant's claim 1, Gorak et al disclose:

- Structured multi-purpose packings containing material separation elements (Gorak et al, Fig.1(a) item 1) and second functionality elements (Gorak et al, Fig.1(a) item 2) provided in alternate layers,
- wherein the material separation elements have a profiled surface, and each of the second functionality elements has two or more closed chambers (Gorak et al, Fig.2(b) item 3) provided on top of each other,
- and filled with a physically, chemically or biologically active packing material (Partial translation DE 19701045 A1),
- a space being provided between any two of the chambers, which space is bridged by a section (Gorak et al, Fig.5(a) item 6) conducting a liquid;

Art Unit: 1764

Regarding claims 1 and 2, DE 19701045 A1 as set forth above fails to teach that the walls of the chambers of the second functionality elements are constituted by a polymeric material comprising polyamides, preferably nylon, polyolefins, preferably polyethylene, or halogenated, preferably fluorinated, polyolefins, especially polytetrafluoroethylene or polyvinyl chloride. Crossland is directed to catalyst packing structures and teaches a catalytic distillation structure formed by placing multiple tube shaped structures on top of a wire mesh screen. The tube comprises flexible, semi-rigid open mesh tubular elements filled with a particulate catalytic material (Abstract). Said open mesh tubular elements can be made of aluminum, nylon or Teflon (Col 2, lines 21-31). Since Crossland identifies polymer materials such as nylon and Teflon functionally equivalent to a metal material such as aluminum for making the open mesh tubular elements it would have been obvious for one of ordinary skill to have used teflon or nylon as the material for constructing the walls of the second functionality elements. One of ordinary skill would have been motivated by the desire to use equivalently useful material that is cheaper in cost or more readily processed into product form.

Per Claim 3:

The walls of the chambers of said second functionality elements are in the form of woven, knitted, braided or open-meshed fabrics (Applicant's Description of Gorak et al on pp.3, lines 27-28 of Applicant's Specification). Examiner notes that a metal wire cloth described by Gorak et al must correspond with one of either a woven, knitted braided or open meshed fabric.

Per Claim 4:

Art Unit: 1764

Applicant's use of physically, chemically or biologically active packing material for the chambers of the second functionality elements in a solid or liquid form is recognized by (Applicant's Description of Gorak et al on pp.3, lines 27-28 of Applicant's Specification).

Per Claim 5:

Said packing material comprises ion exchangers, active charcoal, support materials with biofilms or extractants (Applicant's Description of Gorak et al on pp.3, lines 27-28 of Applicant's Specification).

### ***Prior Art of Record***

3. The prior art of record and not relied upon is considered pertinent to Applicant's disclosure. In addition, the following references are cited for disclosing various aspects of Applicant's invention:

US 5,431,890  
US 5,536,699  
EP 466954 A1  
WO 0466954 A1


### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Alex Wachtel, whose number is (703)-306-0320. The Examiner can normally be reached Mondays-Fridays from 10:30am to 6:30pm.

If attempts to reach the Examiner by telephone are unsuccessful and the matter is urgent, the Examiner's supervisor, Mr. Glenn Caldarola can be reached at (703) 308-6824. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

AW 5-18-2003

  
Glenn Caldarola  
Supervisory Patent Examiner  
Technology Center 1700

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